

**LIBELED:** 12-23-55; amended 2-2-56, Dist. S. Dak.

**CHARGE:** 402 (a) (3)—contained decomposed substance while held for sale.

**DISPOSITION:** 2-2-56. Consent—destruction.

**22891. Canned black raspberries.** (F. D. C. No. 38775. S. No. 26-388 M.)

**QUANTITY:** 9 cases, 48 8¾-oz. cans each, at St. Paul, Minn.

**SHIPPED:** During the fall of 1953, from Portland, Oreg.

**RESULTS OF INVESTIGATION:** Examination showed that the article was undergoing chemical decomposition.

**LIBELED:** 11-23-55, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained decomposed substance while held for sale.

**DISPOSITION:** 1-5-56. Default—destruction.

### DRIED FRUIT

**22892. Dried fruit.** (F. D. C. No. 38469. S. Nos. 32-854/59 M.)

**QUANTITY:** 6 cases, 24 12-oz. pkgs. each, of dried pears, 10 cases, 12 1-lb. pkgs. each, of dried apples, 5 cases, 24 12-oz. pkgs. each, of mixed dried fruit, 3 cases, 24 1-lb. pkgs. each, and 4 cases, 12 2-lb. pkgs. each, of prunes, and 1 case containing 16 1½-lb. pkgs. of raisins at Farmington, N. Mex., in possession of Farmington Mercantile Co.

**SHIPPED:** Between 1-22-54 and 4-6-55, from San Francisco, Calif.

**LIBELED:** 9-29-55, Dist. N. Mex.

**CHARGE:** 402 (a) (3)—contained insects, insect excreta, insect parts, and rodent excreta; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 10-31-55. Default—destruction.

**22893. Prunes and dried mixed fruit.** (F. D. C. No. 38500. S. Nos. 38-142/5 M.)

**QUANTITY:** 71 cases, 24 1-lb. bags each, and 9 cases, 24 2-lb. boxes each, of prunes, and 34 cases, 24 12-oz. bags each, of dried mixed fruit at St. Louis, Mo.

**SHIPPED:** Between 12-17-53 and 3-18-55, from San Jose, Calif.

**LIBELED:** 10-13-55, E. Dist. Mo.

**CHARGE:** 402 (a) (3)—contained insects while held for sale.

**DISPOSITION:** 11-8-55. Default—destruction.

**22894. Prunes.** (F. D. C. No. 38726. S. No. 48-401 M.)

**QUANTITY:** 21 30-lb. boxes at New York, N. Y.

**SHIPPED:** 11-18-54, from Cupertino, Calif.

**LIBELED:** 12-12-55, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained insect excreta and moldy prunes while held for sale.

**DISPOSITION:** 1-13-56. Default—destruction.

**22895. Raisins.** (Inj. No. 294.)

**COMPLAINT FOR INJUNCTION FILED:** 9-29-55, S. Dist. Calif., against West Coast Growers & Packers, Inc., Selma and Dinuba, Calif., and D. R. Hoak, Jr., secretary-treasurer and general manager.

**CHARGE:** The complaint alleged that the defendants had been and were, at the time of filing the complaint, engaged in the business of buying, storing, processing, packing, and selling various types of raisins, a food; that they had been and were, at the time of filing the complaint, storing and holding such food at Selma and Dinuba, Calif., in exposed areas without proper protection from rodent and insect infestation, with the result that such food was contaminated with rodents, rodent excreta, rodent hairs, bird excreta, insects, and insect fragments; that, at the time of filing the complaint, the defendants had approximately 1,000 tons of raisins on their premises under the aforesaid conditions and were receiving additional quantities; and, that the defendants were causing to be introduced into interstate commerce raisins adulterated within the meaning of 402 (a) (3) in that they contained rodent excreta, rodent hairs, insects, and insect fragments, and within the meaning of 402 (a) (4)—in that they had been prepared, packed, and held under insanitary conditions.

The complaint further alleged that the defendants were well aware that their activities were violative of the law in that between 10-29-53 and 9-26-55 seven inspections were made by the Food and Drug Administration of their Selma and Dinuba plants, during the course of which the insanitary conditions prevailing therein were brought to the attention of the defendants or their agents both orally and in writing; and that the defendants' product had been seized on one occasion.

**DISPOSITION:** On 9-29-55, the court issued a temporary restraining order. Thereafter, on 10-6-55, the defendants having consented to the entry of a decree, an injunction was entered enjoining the defendants from introducing or delivering for introduction into interstate commerce any raisins adulterated within the meaning of 402 (a) (3) or (4).

Further, the decree specifically enjoined the defendants from introducing into interstate commerce (1) a lot of 350 tons of the 1954 crop of Natural Thompson Seedless Raisins stored at defendants' Selma plant; (2) a lot of 37 tons of the 1954 crop of Muscat raisins stored at defendants' Dinuba plant; (3) the stocks of processed and packaged raisins stored at defendants' Selma and Dinuba plants; and (4) that portion of a 550-ton lot of the 1954 crop of Natural Thompson Seedless Raisins stored at the defendants' Selma plant, which consisted of boxes constituting the top layer of each pallet of stacked raisins and of other boxes so stacked or in such condition as to be accessible to rodent invasion. However, the decree provided that such lots could be exported if they [1] accorded to the specifications of the foreign purchaser, [2] were not in conflict with the laws of the country to which they were intended for export, and [3] were labeled on the outside of the shipping packages to show that they were intended for export; or disposed of in any other manner approved in writing by the Food and Drug Administration.

The decree provided also that the remainder of the aforementioned 550-ton lot stored at defendants' Selma plant, might be introduced into interstate commerce for domestic consumption on the following conditions: (1) that such raisins be inspected under the supervision of the Agricultural Marketing Service, the Food and Drug Administration, or any other inspection agency agreed upon by the parties, (2) that such agency make a box by box inspection at the stemmer whereby those boxes containing evidence of insect or rodent infestation, according to the standards of the Food and Drug Administration, should be set aside and disposed of in the same manner as those raisins discussed in the preceding paragraph. The decree provided that such raisins,

when processed and packaged, were to be in compliance with 402 (a) (3) and (4).

The provisions of the decree were to cease to have effect when final disposition was made by the defendants of all raisins acquired from the 1955-1956 raisin crop year, provided that all storage, processing, and final disposition of raisins marketed by the defendants during the effective period of the decree had been in compliance with the terms of the decree.

**22896. Raisins.** (F. D. C. No. 38648. S. Nos. 20-201/2 M.)

QUANTITY: 173 30-lb. cartons at Baltimore, Md.

SHIPPED: 8-29-55, from Del Rey, Calif.

LIBELED: On or about 10-18-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-14-55. Default—destruction.

**22897. Raisins.** (F. D. C. No. 38491. S. No. 32-161 M.)

QUANTITY: 145 30-lb. cases at Philadelphia, Pa.

SHIPPED: 4-20-55, from San Francisco, Calif.

LIBELED: 10-10-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 12-15-55. Default—destruction.

**22898. Raisins.** (F. D. C. No. 38643. S. No. 17-598 M.)

QUANTITY: 21 30-lb. cartons at Baltimore, Md.

SHIPPED: 8-29-55, from Del Rey, Calif., by Central California Packing Co.

LABEL IN PART: (Carton) "Del Cara Midget Seedless Raisins."

LIBELED: On or about 10-14-55, Dist. Md.

CHARGE: 402 (a) (3)—contained insects when shipped.

DISPOSITION: 11-8-55. Default—destruction.

### FROZEN FRUIT

**22899. Frozen strawberries.** (F. D. C. No. 38490. S. No. 1-676 M.)

QUANTITY: 2,453 30-lb. cans at Tampa, Fla.

SHIPPED: 8-2-55 and 8-16-55, from Everett, Wash., and East Portland, Oreg.

LIBELED: 10-11-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained decomposed strawberry material while held for sale.

DISPOSITION: 1-12-56. Consent—destruction.

### VEGETABLES

**22900. Beans.** (F. D. C. No. 38815. S. No. 19-558 M.)

QUANTITY: 4 100-lb. bags at Cleveland, Ohio.

SHIPPED: 11-9-55 and 12-7-55, from North Kansas City, Mo.

LIBELED: 1-16-56, N. Dist. Ohio.

CHARGE: 402 (a) (3)—contained rodent excreta while held for sale.

DISPOSITION: 2-10-56. Default—destruction.